IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5530 OF 2006

Shri Kantilal Shivram Patil ..Petitioner

Vs.

State of Maharashtra and ors. ..Respondents

Mr. N.V. Bandiwadekar for petitioner.
Mr. R.D. Rane, Govt. Pleader for respondent nos.1 and 2.

CORAM: B.H. MARLAPALLE & J. H. BHATIA,JJ.

Dated: December 21, 2006.

P.C.:

1. We have heard Mr. Bandiwadekar, the learned counsel for the petitioner and perused the affidavit in reply of the Deputy Education Officer (Secondary), Zilla Parishad, Thane. The affiant has also placed before us the copies of the proposals sent by the respondent-management seeking approval to the appointment of Assistant Teachers, including the petitioner. Undoubtedly, last such approval is for the post of Shikshan Sevak for the academic year 2005-06 onwards and the same is for a period of three

years. It is well recognised that as per the scheme announced by the Government of Maharashtra for appointment of Shikshan Sevak, on completion of three years period, such an appointee is eligible for being regularised as an Assistant Teacher. However, whether he should be placed on probation or not is an issue which is pending in a reference made to the larger bench of this court. We have also noted that the respondent-management has, as at present, no complaint against the working of the petitioner and though he holds the qualifications of B.A. B.P.Ed., he has been given other subjects like History and Social Studies etc. He will be, therefore, eligible for absorption as an Assistant Teacher on completion of 3 years tenure as a Shikshan Sevak pursuant to the approval granted by the Education Officer.

2. Having recorded these observations, Mr.Bandiwadekar says that petition be disposed off and the petition is accordingly disposed off.

(J.H. Bhatia, J.) **(B.H. Marlapalle,J.)**